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Hearing Date: November 1, 2017
Time: 2:00 p.m.
Objections Due: October 25, 2017
Time: 5:00 p.m.

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES,
LLC,

Defendant.

In re:

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of Bernard L.
Madoff,

Plaintiff,

v.

DAVID R. MARKIN, individually and as trustee of the
David Markin Charitable Remainder Unitrust #1, DAVID
MARKIN CHARITABLE REMAINDER UNITRUST #1,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05224 (SMB)

**NOTICE OF CROSS-MOTION AND CROSS-MOTION FOR LEAVE TO FILE A
SECOND AMENDED COMPLAINT AND TO SUBSTITUTE DEFENDANTS**

PLEASE TAKE NOTICE THAT Irving H. Picard (the “Trustee”), as trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the substantively consolidated chapter 7 estate of Bernard L. Madoff (“Madoff”), by and through his undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004, on **November 1, 2017 at 2:00 p.m.**, or as soon thereafter as counsel may be heard, for leave to file a second amended complaint and to substitute defendants (the “Motion”), as more particularly set forth in the memorandum of law in support of the Motion and the Declaration of Tatiana Markel, contemporaneously filed herewith.

PLEASE TAKE FURTHER NOTICE that written objections to the Motion must be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 by no later than **5:00 p.m. on October 25, 2017** (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein) and must be served upon (a) Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, New York 10111, Attn: David J. Sheehan and Tatiana Markel; (b) Dentons US LLP, 1221 Avenue of the Americas, New York, New York 10020, Attn: Carole Neville; and (c) Securities Investor Protection Corporation, 1667 K Street, N.W., Suite 10, Washington, DC 20006 Attn: Kevin Bell. Any objections must specifically state the interest that the objecting party has in these proceedings and the specific basis of any objection to the Motion.

PLEASE TAKE FURTHER NOTICE that failure to file timely objections may result in the entry of an order granting the relief requested in the Motion without further notice to any party or an opportunity to be heard.

Dated: New York, New York
October 18, 2017

Respectfully submitted,

BAKER & HOSTETLER LLP

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Consolidated SIPA Liquidation of the
estate of Bernard L. Madoff Investment
Securities LLC and the estate of
Bernard L. Madoff*